UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Juan Javier MENCHACA,** Defendant	Magistrate Docket No. '08 MJ 0426 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

FILED 2008 FEB 14 AM 9:38 CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **February 12, 2008** within the Southern District of California, defendant, **Juan Javier MENCHACA,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **February, 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Juan Javier MENCHACA

PROBABLE CAUSE STATEMENT

On February 12, 2008, at approximately 1:56 p.m., Officer J. Gaines of the La Mesa Police Department responded to a report of a suspicious vehicle in an area that had recently seen numerous residential and vehicle burglaries near the 9000 block of Dallas Street in La Mesa, California. Officer Gaines was able to locate a vehicle matching the description given by the reporting party. Upon being contacted an individual later identified as the defendant **Juan Javier MENCHACA** verbally identified himself as Juan Mendoza and presented a California Identification Card. After a search of MENCHACA's vehicle, documents with the name Juan Javier MENCHACA were found. Through further checks it was discovered that MENCHACA was using a fake identification card. Officer Gaines placed MENCHACA under arrest and transported to the La Mesa Police Department.

At the La Mesa Police Department it was discovered that MENCHACA was a deported felon. Officer Gaines contacted Senior Patrol Agent B. Soto of the United States Border Patrol regarding his encounter with MENCHACA. At approximately 4:30 p.m., Senior Patrol Agent Soto and Senior Patrol Agent A. Cacho arrived at the La Mesa Police Station and met with Officer Gaines who informed Agent Soto that MENCHACA was being detained. Agent Soto and Cacho approached MENCHACA and identified themselves as United States Border Patrol Agents and presented their bureau issued badges and credentials. Agent Soto questioned MENCHACA as to his immigration status. MENCHACA admitted to being a citizen and national of Mexico without any immigration documents that would allow him to enter or remain in the United States legally. MENCHACA was turned over to Agent Soto and transported to the Chula Vista Border Patrol station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 18, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.